

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/31/11

MICHAEL A. CARDODO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

KARL J. ASHANTI
Assistant Corporation Counsel
Phone: (212) 227-0414
Fax: (212) 788-9776
kashanti@law.nyc.gov

January 28, 2011

MEMO ENDORSED

BY FACSIMILE: (212) 805-6326

Honorable Colleen McMahon
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

1/31/2011
JL
JL
JL

Re: Sean Pringle v. City of New York, et al.
10 CV 7945 (CM)(MHD)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to represent defendants City of New York and Robert Konner in the above-referenced matter. I write to respectfully request an enlargement of time to file a qualified immunity motion on behalf of individual defendant Robert Konner from February 9, 2011 to March 25, 2011. I have conferred with plaintiff's counsel, and he has consented to the extension.

In the complaint, plaintiff alleges, *inter alia*, that on August 20, 2010, he was falsely arrested by members of the New York City Police Department ("NYPD"). Plaintiff also alleges that the criminal proceedings against him were adjourned in contemplation of dismissal on August 26, 2010.

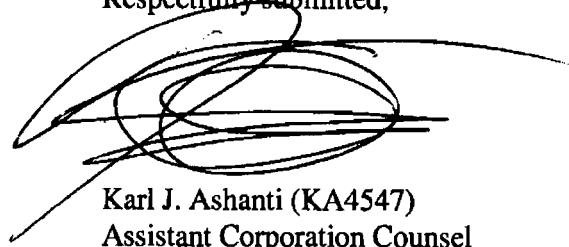
Upon review of the facts and circumstances of this case, defendants believe there is a viable and meritorious motion to dismiss the complaint based on the fact that Officer Konner is entitled to qualified immunity. However, scheduling conflicts amongst the parties are such that plaintiff's deposition cannot be held until mid-to-late February. Moreover, there are documents essential to the case, such as the criminal court file and the district attorney's file, that defendants have yet to receive but anticipate receiving within the next 3 weeks or so. Additionally, upon information and belief, the district attorney's file contains a videotaped statement of the plaintiff in which he makes damaging admissions that affect liability in this case. Accordingly, defendants require additional time to take plaintiff's deposition, review all

relevant documentation and video and thereafter draft and file the qualified immunity motion with the Court.

No previous request for an extension has been made by either party. There are no scheduled conferences that will be affected by this proposed extension. Accordingly, it is respectfully requested that the Court grant defendants' application to extend their time to file a qualified immunity motion on behalf of individual defendant Robert Konner to March 25, 2011.

Thank you for your consideration of this request.

Respectfully submitted,



Karl J. Ashanti (KA4547)
Assistant Corporation Counsel

cc: Gerald Cohen, Esq. (by fax)